



# MORGANTOWN PLANNING COMMISSION

September 10, 2015  
6:30 PM  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

William Kawecki, City Council

## **STAFF REPORT**

**CASE NO:** MNS15-14 / Siegwarth / 345 East Brockway Avenue

**REQUEST and LOCATION:**

Request by Stephen Siegwarth for minor subdivision approval of property located at 345 East Brockway Avenue.

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Tax Map 35, Part of Parcels 14 and 15; B-2, Service Business District

**SURROUNDING ZONING:**

North and West: B-2, Service Business District

East: B-2, Service Business District and IND, Industrial District

South: R-1A, Single-Family Residential

**BACKGROUND and ANALYSIS:**

The petitioner seeks to combine portions of Parcels 14 and 15 into one (1) new parcel. The purpose of the subdivision is to create a parcel that will establish a lease area for the *Pizza Hut* establishment currently being developed on the subject realty. Addendum A of this report illustrates the location of the subject site.

The new parcel created by the proposed subdivision will be approximately 0.63 acres (27,442.8 square feet), which exceeds the minimum lot area standard of 6,000 square feet in the B-2 District. The remaining portions of Parcels 14 and 15 will exceed the subject lot area standard. The new parcel's frontage along East Brockway Avenue, Rodgers Street, and Nolan Street will exceed the minimum lot frontage standard of 60 feet.

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Enclosure: Application and accompanying exhibits

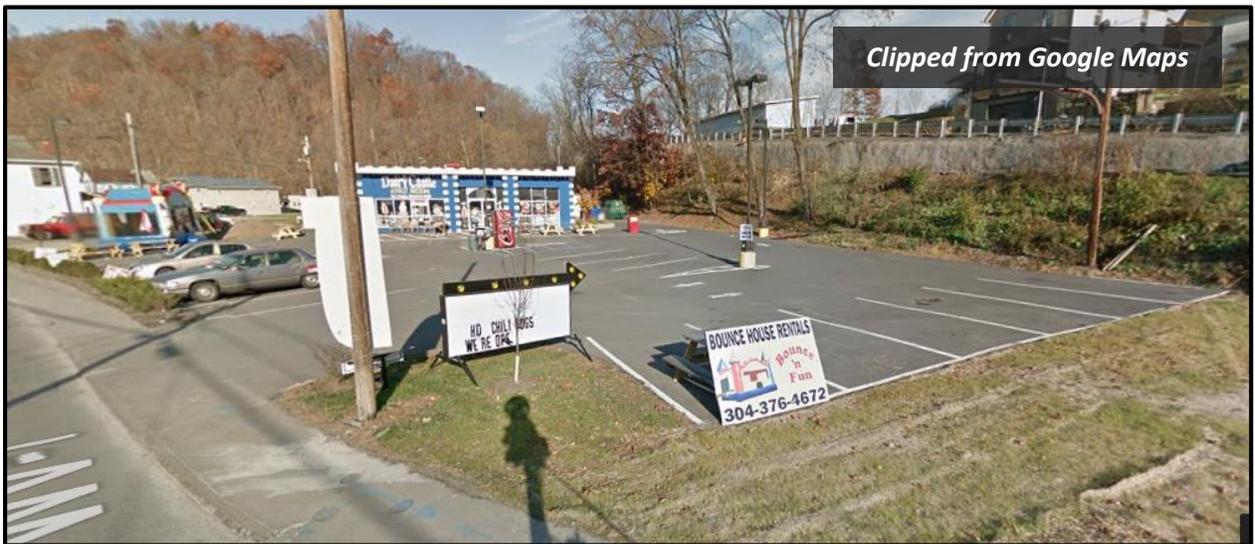
**Development Services**

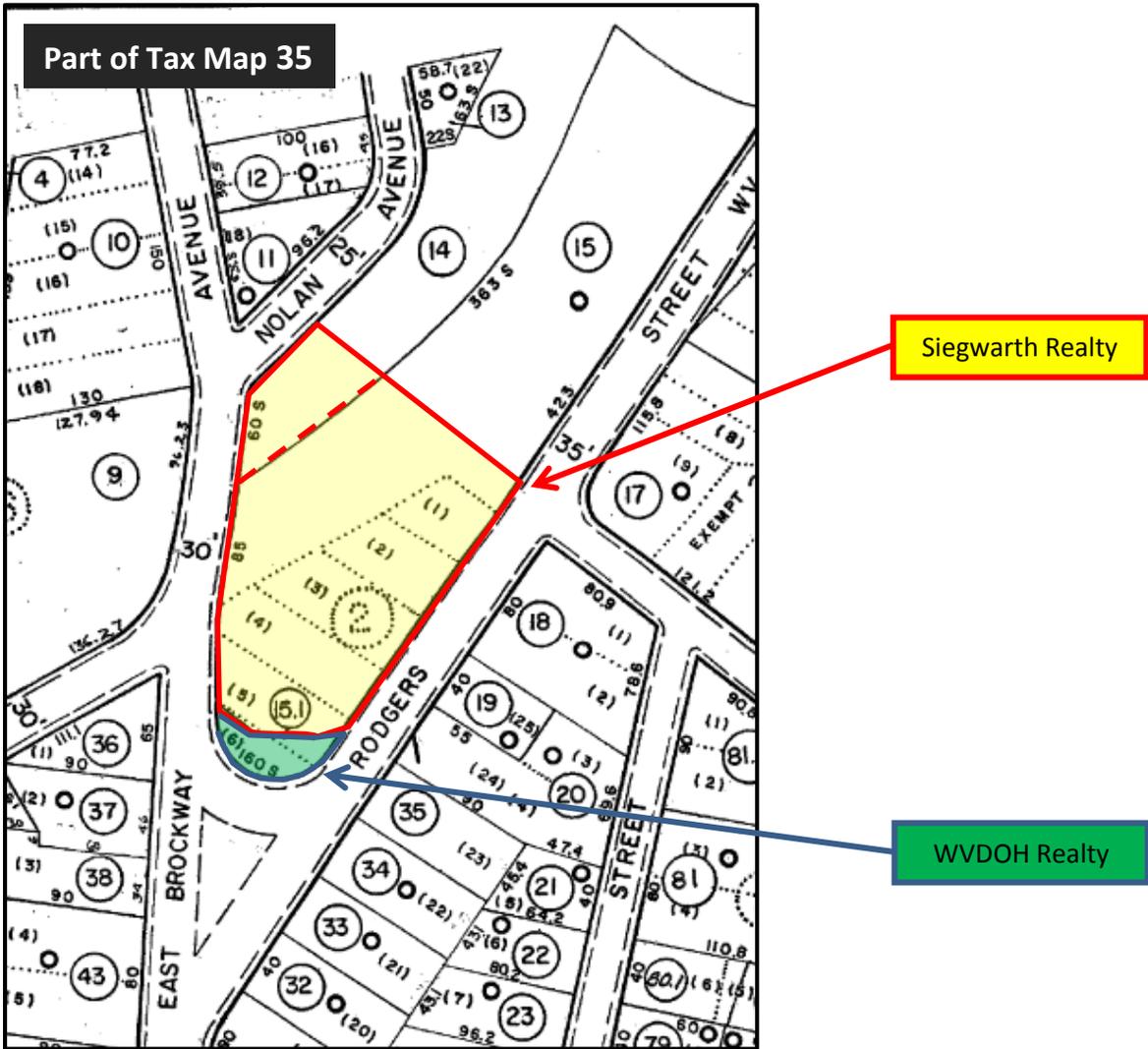
Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

**STAFF REPORT ADDENDUM A**  
**MNS15-14 / Siegwarth / 345 East Brockway Avenue**







City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MMS 15-14
RECEIVED:	
COMPLETE:	

A Minor Subdivision of property includes the creation of up to three (3) parcels or the combination of existing parcels, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

<b>I. APPLICANT</b>				
Name:	Stephen Sigwarth	Phone:	304-296-3410	
Mailing Address:	103 Marcus Dr.	Mobile:	304-290-1332	
	Street	Morgantown, WV	26501	
	City	State	Zip	
Email:	gsssigwarth@gmail.com			
<b>II. AGENT / CONTACT INFORMATION</b>				
Name:	SAME AS ABOVE	Phone:		
Mailing Address:		Mobile:		
	Street		Email:	
	City	State	Zip	
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact			
<b>III. PROPERTY</b>				
Owner:	Stephen Sigwarth	Phone:	304-296-3410	
Mailing Address:	103 Marcus Dr. / 345 E. Brockway	Mobile:	304-290-1332	
	Street	Morgantown, WV	26505	
	City	State	Zip	
Email:				
<b>IV. SITE</b>				
Street Address (if assigned):	345 East Brockway Ave	Tax Map #(s):	#30 & #35	
Zoning:	Commercial B-2	Parcel #(s):	#13, 14, 15	
Square Footage of Parcel(s):		ft. <sup>2</sup>		
Subdivision Description:				
Are there any Variances from the Subdivision Regulations anticipated:	<input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, to what extent is a variance necessary?				

PAID AUG 03 2015



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MNS15-4
RECEIVED:	_____
COMPLETE:	_____

V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
- (b) Date of preparation, north arrow, and scale;
- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
- (j) Location, shape, exterior dimensions of each existing building on the site(s);
- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
- (o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require reapproval.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date 8/8/15

Minor Subdivision Application Fee - \$35

OK 3003



August 3, 2015

Stephen Siegwarth  
103 Marcus Drive  
Morgantown, WV 26501

**Re: Water Service Availability**  
**345 East Brockway Avenue**  
**Morgantown District, Tax Map 30 & 35 – Parcels 14 & 15**

Dear Mr. Siegwarth,

This will confirm that water service is currently being provided to 345 East Brockway Avenue to the above referenced parcels. Note that we are unable to certify whether the depth/elevation and/or size of the existing MUB facilities are adequate to serve the proposed structure. We will evaluate such adequacy upon receipt of additional details describing the design of the proposed structure along with a property plat showing the proposed structure to be served.

In order to help us serve you better, please bring this letter with you when applying for new service, along with any additional property information available.

If you have any questions regarding this matter, please call me at (304) 292-8443. Thank you in advance for your kind cooperation.

Sincerely,

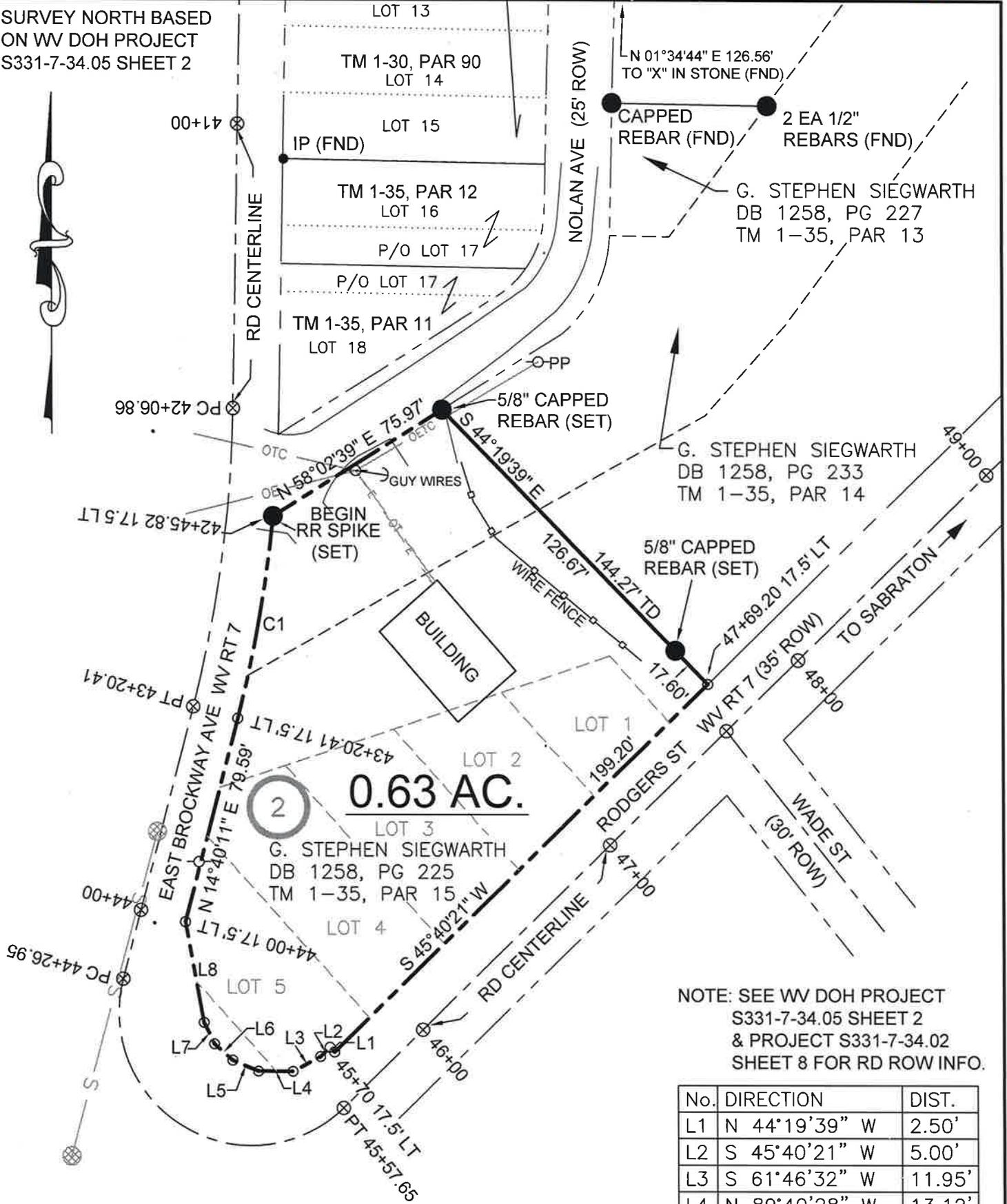
MORGANTOWN UTILITY BOARD

A handwritten signature in blue ink that reads 'Lewis J. McDonald'. The signature is written in a cursive style and is positioned above the printed name and title.

Lewis J. McDonald  
Engineering Technician

MUSIS-14

SURVEY NORTH BASED  
ON WV DOH PROJECT  
S331-7-34.05 SHEET 2



**0.63 AC.**

**2**

G. STEPHEN SIEGWARTH  
DB 1258, PG 225  
TM 1-35, PAR 15

NOTE: SEE WV DOH PROJECT  
S331-7-34.05 SHEET 2  
& PROJECT S331-7-34.02  
SHEET 8 FOR RD ROW INFO.

**LEGEND**

- SAN & STORM W/ MANHOLE LID
- OVERHEAD ELEC, TEL & CABLE
- OVERHEAD TEL & CABLE
- OVERHEAD ELEC
- OVERHEAD TEL
- UNDERGROUND ELEC
- POWER POLE

No.	DIRECTION	DIST.
L1	N 44°19'39" W	2.50'
L2	S 45°40'21" W	5.00'
L3	S 61°46'32" W	11.95'
L4	N 89°40'28" W	13.12'
L5	N 66°58'27" W	10.63'
L6	N 48°21'53" W	9.29'
L7	N 25°51'22" W	8.99'
L8	N 10°23'52" W	38.68'

No.	RADIUS	ARC LENGTH	CHORD DIR.	CHORD LEN.
C1	494.97'	77.32'	N 10°11'41" E	77.24'

**PLAT OF SURVEY, 0.63 AC. LEASE AREA CROSSING  
TWO OF THE G. STEPHEN SIEGWARTH PARCELS ALONG  
RODGERS ST., EAST BROCKWAY AVE. & NOLAN AVE.**

RODGERS STREET & EAST BROCKWAY AVENUE  
TAX MAP 1-35, P/O PARCELS 14 & 15  
CITY OF MORGANTOWN SECOND WARD  
MORGAN DISTRICT, MONONGALIA COUNTY  
WEST VIRGINIA  
DATE: SEPTEMBER 17, 2014  
SCALE: 1" = 50'  
DRAWN BY: RNM FILE NAME: SIEGWARTH G STEPHEN SURVEY

PREPARED BY:  
**GEORGE E. PIGOTT & ASSOCIATES, INC.**  
1 VIKING ROAD Ph: (304) 363-8457  
WHITE HALL, WV 26554 Fax: (304) 363-4825  
www.pigottengineering.com  
  
GEORGE E. PIGOTT WVPE No. 5013 - PS 1405

DESCRIPTION OF LEASE AREA SURVEY  
FOR  
G. STEPHEN SIEGWARTH

A lease area containing parts of two parcels owned by G. Stephen Siegwarth (Tax Map 1-35, Parcels 14 & 15) fronting on those sections of Rodgers Street and East Brockway Avenue that are part of WV Route 7 and Nolan Avenue in the Second Ward of the City of Morgantown, Morgan District, Monongalia County, West Virginia and being more particularly described as follows.

Beginning at a Railroad Track Spike (set) at the southeastern intersection of East Brockway Avenue and Nolan Ave.

Thence:

North 58°02'39" East 75.97 feet,

leaving East Brockway Avenue and following the common line between the G. Stephen Siegwarth Tax Map Parcel 14 and the southeastern Right-of-Way for Nolan Avenue, to a five-eighths Inch Capped Rebar (set).

Thence:

South 44°19'39" East (with a five-eighths Inch Capped Rebar set at 126.67 feet) a total distance of 144.27 feet,

leaving Nolan Avenue and following a dividing line through the above two Siegwarth Parcels, to a Point in the northwestern Right-of-Way for Rogers Street (WV Route 7).

Thence:

South 45°40'21" West 199.20 feet to a Point,

North 44°19'39" West 2.50 feet to a Point,

South 45°40'21" West 5.00 feet to a Point,

South 61°46'32" West 11.95 feet to a Point,

North 89°40'28" West 13.12 feet to a Point,

North 66°58'27" West 10.63 feet to a Point,

North 48°21'53" West 9.29 feet to a Point,

North 25°51'22" West 8.99 feet to a Point,

North 10°23'52" West 38.68 feet to a Point,

North 14°40'11" East 79.59 feet to a Point and

Along a curve to the left with a radius of 494.97 feet an arc length of 77.32 feet (chord North 10°11'41" East 77.24 feet),

following eleven common lines between the above two Siegwarth Parcels and the Right-of-Way for those sections of Rodgers Street and East Brockway Avenue that are part of WV Route 7, to the place of beginning and containing 0.63 acre.

The above described Tract was surveyed by George E. Pigott & Associates, Inc., White Hall, WV and is as shown on the attached Plat titled "PLAT OF SURVEY, 0.63 AC. LEASE AREA CROSSING TWO OF THE G. STEPHEN SIEGWARTH PARCELS ALONG RODGERS ST., EAST BROCKWAY AVE. AND NOLAN AVE." dated September 17, 2014.

  
George E. Pigott, WV PE 5013, PS 1405